

*Attorney for Plaintiffs*

Defendants.

RESPONSE TO ADMINISTRATIVE MOTION  
TO CONSIDER WHETHER CASES SHOULD  
BE RELATED

1 Pursuant to United States Northern District Court of California Local Rule 3-12(e),  
2 Plaintiffs in the matter captioned *Huckabee v. Meta Platforms, Inc., et al.*, Case No. 23-cv-06663-  
3 HSG (“*Huckabee* Plaintiffs”) submit this statement in response to the Administrative Motion to  
4 Consider Whether Cases Should Be Related (“Motion”), filed by plaintiffs on January 16, 2024 in  
5 the action captioned *Kadrey v. Meta Platforms, Inc.*, Case No. 23-cv-03417-VC (the “*Kadrey*  
6 *Case*”). For the reasons set forth below and those set forth in the Motion, the *Huckabee* Plaintiffs  
7 agree that the cases should be designated as related.

8 *Huckabee* was initially filed in the Southern District of New York, against Meta Platforms,  
9 Inc. (“Meta.”), Bloomberg Finance, L.P., Microsoft Corporation (“Microsoft”), and the EleutherAI  
10 Institute. After discussions with the various defendants in that action, Movants and Defendants  
11 Meta and Microsoft stipulated to the severing of claims against Meta and codefendant Microsoft,  
12 and the transfer of those claims to this Court. The *Kadrey* Case and the *Huckabee* Case concern  
13 substantially the same parties and transactions: both cases allege that Meta infringed on the  
14 copyrights of thousands of authors, including the Plaintiffs in this action and the Movants, and that  
15 Meta used the same corpus, or body of infringing works, to train its large language model artificial  
16 intelligence, dubbed LLaMA.

17 If the cases are not related, there is likely to be an unduly burdensome duplication of labor  
18 and expense or conflicting results if the cases are conducted on different tracks before different  
19 Judges. The two cases share a common base of defendants, facts related to the proposed  
20 certification of a class, or classes, under Rule 23 of the Federal Rules of Civil Procedure, and the  
21 defendant(s) liability. As a result, this Court should deem *Huckabee* a related case to the *Kadrey*  
22 Case.

For the foregoing reasons, the *Huckabee* Plaintiffs respectfully request that the Court identify *Huckabee v. Meta Platforms, Inc., et al.*, Case No. 23-cv-06663-HSG, and *Kadrey v. Meta Platforms, Inc.*, Case No. 23-cv-03417-VC as related cases under Civil Local Rule 3-12.

DATED: January 22, 2024

Respectively submitted,

---

*s/ Brian O'Mara*  
BRIAN O'MARA

Brian O'Mara (SBN #229737)  
**DICELLO LEVITT LLP**  
4747 Executive Drive, Suite 240  
San Diego, CA 92121  
Tel. (619) 923-3939  
bomara@dicellolevitt.com

Amy Keller (*pro hac vice* formatting)  
James Ulwick (*pro hac vice* formatting)  
**DICELLO LEVITT LLP**  
Ten North Dearborn Street, Sixth Floor  
Chicago, IL 60602  
Tel. (312) 214-7900  
akeller@dicellolevitt.com  
julwick@dicellolevitt.com

Seth Haines (admitted *pro hac vice*)  
Timothy Hutchinson (admitted *pro hac vice*)  
Lisa Geary (admitted *pro hac vice*)  
**RMP, LLP**  
5519 Hackett Street, Suite 300  
Springdale, AR 72762  
Tel: (479) 443-2705  
shaines@rmp.law  
thutchinson@rmp.law  
lgeary@rmp.law

Scott Poynter (admitted *pro hac vice*)  
**POYNTER LAW GROUP**  
407 President Clinton Avenue, Suite 201  
Little Rock, Arkansas 72201  
Tel: (501) 812-3943  
scott@poynterlawgroup.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on January 22, 2024, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

S/ Brian O'Mara  
BRIAN O'MARA

**DICELLO LEVITT LLP**  
4747 Executive Dr., Suite 240  
San Diego, CA 92121  
Telephone: 619/963-2406  
E-mail: brian@dicellolevitt.com